

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KWIK-SITE, INC.,
a Michigan corporation,

Plaintiff,

vs.

ALLIANT TECHSYSTEMS, INC.,
a Delaware corporation,

Defendant.

HONORABLE _____
MAGISTRATE JUDGE _____
CIVIL ACTION NO. _____

JURY TRIAL REQUESTED

MARK A. CANTOR (P32661)
MARC LORELLI (P63156)
AMY C. LESHAN (P69328)

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Attorneys for Plaintiff

COMPLAINT AND JURY DEMAND

Kwik-Site-Site Corporation. ("Kwik-Site"), states as follows:

I. THE PARTIES

1. Plaintiff Kwik-Site is a corporation, having a principal place of business at 5555 Treadwell, Wayne, Michigan 48184.

2. Upon information and belief, defendant Alliant Techsystems, Inc. ("ATK") is a Delaware corporation having its headquarters at 7480 Flying Cloud Drive, Minneapolis, Minnesota, USA.

II. JURISDICTION

3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code.

4. The subject matter jurisdiction for this Court is founded upon 28 U.S.C. § 1338 (patents) and 28 U.S.C. § 1331 (federal question).

5. Defendant ATK regularly and continuously engages in substantial sales and other business transactions in the Eastern District of Michigan, and have sold infringing products and/or committed infringing acts in this district. The United States District Court for the Eastern District of Michigan therefore has *in personam* jurisdiction over the Defendants.

III. BACKGROUND

6. On July 22, 2003, U.S. Patent No. D477,650 ("the '650 patent"), entitled "Two-Piece Rifle Scope Mount Adapter" was duly and legally issued to inventors Irving N. Rubin and Ivan Jimenez. (*See* Exhibit A, U.S. Patent No. D477,650.)

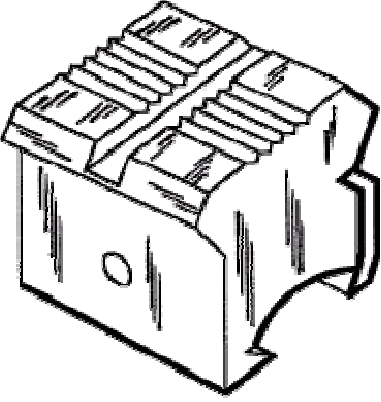

7. Plaintiff Kwik-Site is the owner of right, title and interest in the '650 patent.

8. Plaintiff Kwik-Site is a manufacturer and seller, *inter alia*, of gun scope mounts and accessories, including scope mount adaptors.

9. Defendant ATK sells mounting systems and scope mount adaptors under its Weaver® brand.

IV. PATENT INFRINGEMENT

10. Defendant ATK is infringing the '650 patent under 35 U.S.C. § 271 by making, using, offering for sale and selling gun scope mount adaptors under its Weaver® brand. (Exhibit B, Weaver webpage printout.) A photograph of ATK's scope mount adaptor and the scope mount adaptor of Figure 1 of the '650 patent are shown below.

U.S. Patent No. D477,650, Figure 1	Weaver Scope Mount Adaptor
	

11. Defendant ATK is infringing the '650 patent by selling such scope mount adaptors.

12. On information and belief, defendant ATK's infringement has been willful.

13. Plaintiff has suffered damages as a result of the infringing activities of the defendant, and will continue to suffer such damage as long as those infringing activities continue.

14. Plaintiff has no adequate remedy at law. Unless enjoined by this Court, the defendant ATK will continue such acts of infringement causing plaintiff Kwik-Site to incur substantial and irreparable damage.

V. DEMAND FOR RELIEF

WHEREFORE, Plaintiff Kwik-Site respectfully requests the court to:

- A. Adjudge that defendant has infringed the '457 patent;

B. Enter a preliminary and permanent injunction to enjoin defendant from infringing the '650 patent pursuant to 35 U.S.C. §283;

C. Award plaintiff damages, together with prejudgment interest and costs, and increase those damages to three times the amount found or assessed as provided by 35 U.S.C. § 284;

D. Declare this an exceptional case within the meaning of 35 U.S.C. § 285, and award plaintiff reasonable attorney's fees and costs and disbursements in this action;

E. Award to Kwik-Site defendant's total profits pursuant to 35 U.S.C. §289;

F. Grant to plaintiff such other and further relief as this Court deems reasonable.

VI. DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury of any and all issues triable of right by a jury in the above-captioned action.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: /s/ Mark A. Cantor

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